

REMARKS

Claims 1, 20, 21, 24, 26, 61, 68, and 69 have been amended.

Claims 4-7, 29-31, 34-37, 39-43, 60, and 65-67 have been previously withdrawn.

Claim 64 has been cancelled without prejudice with respect to future filings.

Claims 1-7, 9, 20-31, 34-37, 39-43, 60-63, and 64-70 are currently pending in this application.

Claims 1, 2, 20, 29, 37, and 60 are in independent format.

1. Rejections Under 35 U.S.C. § 103

Claim 64 has been cancelled.

The Examiner's rejection of Claims 1, 3, 20-28, 61-64, and 68-70 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,888,128 to *Mitchell* in view of U.S. Patent No. 5,665,911 to *Warkotsch* is respectfully traversed. The Examiner's current rejections are the same as the rejections which were set forth in the Office Action of May 16, 2006, to which Applicant responded to on August 15, 2006.

The Examiner has noted in the Response To Arguments on Page 4 of the present Office Action that Applicant's arguments were not persuasive since as shown in Attachment A to the Office Action, that the combination of 3-slot configurations and 4-slot configurations of the '128 *Mitchell* reference could arguably be combined into a single configuration with negligible intersection of the slots, thus presenting a functional multiplate configuration using the teachings of the '911 *Warkotsch* reference.

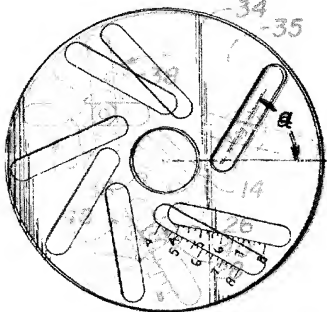
Applicant has amended independent Claims 1 and 20 of the present application to clarify that the adapter of the present invention has the capacity to engage the radially spaced lug holes for at least three different symmetric and axially centered

vehicle wheel lug hole configurations, each of which includes at least three lug holes, and each of which has a different number of lug holes. For example, three-, four- and five-lug hole configurations, as described at Para. [0050] and shown in the various Figures. This engagement is provided by the inclusion of at least three sets of slots in each plate of the mounting flange assembly, with each set of slots corresponding to a different vehicle wheel lug hole configuration.

A rejection based upon a modification of a reference that *destroys the intent, purpose, or function of the invention disclosed in the reference*, is not proper, and the *prima facie* case of obviousness fails. There is no reasonable expectation of success, since neither reference provides a solution to the problem of how to accommodate *all* lugs in a vehicle wheel assembly for three or more different lug hole patterns and dimensions each of which including at least three lug holes, using only a single mounting flange assembly. (See: MPEP 2142, 2143, and 2143.02).

A replacement of the individual mounting flange plates disclosed by the '128 *Mitchell* reference with the singular plate disclosed by the '911 *Warkotsch* reference, as suggested by the Examiner, while arguably resulting in a configuration which is usable for two different lug hole patterns (3 and 4 slot as shown by the Examiner in Attachment A to the Office Action of November 2, 2006), clearly results in a completely non-functional system when extended to three or more different lug hole patterns. An illustration of what such a combined singular flange plate might look like, using the designs shown in the '128 *Mitchell* reference, may be made by overlapping Figures 4, 5, and 6 of the '128 *Mitchell* reference as shown below.

As is clearly visible in the following illustration, the tangential slot configurations of the '128 *Mitchell* reference, which are required to accommodate three different lug hole patterns, cannot be combined on a single mounting flange, as slots for the different lug hole patterns clearly intersect each other. Furthermore, the intended



design of the '128 *Mitchell* reference, which requires that the underlying adjusting plate have corresponding slots which are aligned perpendicular with the slots in the mounting flange plate, would have similar problems with intersecting slots, precluding the ability to radially move unobstructed passages (for mounting pins) to

accommodate different diameter lug patterns by rotating the adjusting plate relative to the mounting flange plate.

The present invention provides a unique solution to the problem of accommodate three or more different lug hole patterns of vehicle wheel assemblies on an adjustable mounting flange assembly. Accordingly, independent Claims 1 and 20, and the dependent Claims 3, 21-28, 61-64, and 68-70, are not obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 3,888,128 to *Mitchell* in view of U.S. Patent No. 5,665,911 to *Warkotsch*.

Additionally, respect to Claim 21, the cited combination of the '128 *Mitchell* and the '911 *Warkotsch* references further fails to render obvious the use of a configuration

of slots in the flange plate which is different from the configuration of slots in the adjusting plate, as the '128 *Mitchell* reference teaches to use identical, but inverted slot patterns in each plate. (Col. 3, lines 29-31).

2. Allowable Subject Matter

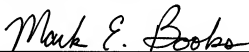
The Examiner's previous allowance of Claim 2 and 9 is acknowledged.

3. Conclusion

Based on the foregoing, the allowance of all pending claims is requested.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark E. Books". The signature is written in a cursive style with a horizontal line underneath it.

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